



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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June 11, 2002

Mr. Robert C. Buckley, Jr., Chairman of the Board of Zoning Appeals
P.O. Box 839
Mathews, Virginia 23109

RE: Mr. Benjamin Barnes, Application for Variance, #2-V-02

Dear Mr. Buckley:

The Chesapeake Bay Local Assistance Department (Department) has reviewed the above-referenced variance application for consistency with the provisions of the Mathews County Chesapeake Bay Preservation Act Program. The applicant is requesting a variance to Section 22.7.2.d. of Mathews County's Zoning Ordinance (100-foot RPA buffer requirement), in order to place a residence, an on-site sewage treatment system, a gravel drive and parking area within the RPA buffer. At the County's request for technical assistance, we offer the following comments to be considered by the Board of Zoning Appeals.

Mr. Barnes' lot, recorded prior to October 1, 1989, is comprised of 12.5 acres. The parcel is divided into two parts by a branch of Billups Creek. The northwestern portion includes approximately 5.5 acres. This portion is bordered on three sides by Billups Creek, and the associated RPA covers almost 100% of the 5.5 acres. Soil analysis studies of the full parcel, conducted in December 1997 and in May 2002, located only one site suitable for an on-site sewage treatment system. The site is located on this 5.5 acre portion of the lot, within the RPA. Access to this portion of the lot is provided by an existing dirt lane and a bridge that crosses the branch of Billups Creek, mentioned above, connecting with a dirt lane that runs through the southeastern portion of the parcel.

The southeastern portion of the parcel includes approximately 7 acres. This portion includes RPA associated with its border on the branch of Billups Creek, and it includes buildable area outside the RPA toward its southern end. The same soil studies mentioned above failed to locate a site suitable for an on-site sewage treatment system on this 7 acre portion of the parcel.

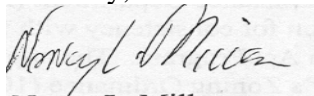
Thus the sewage treatment site and the buildable area are separated by tidal waters and wetlands

and the associated buffers. Due to these unique conditions the property owners are requesting a variance to encroach into the required 100-foot buffer so that they may construct a residence, a sewage treatment system, a gravel driveway and a parking area without having to pump sewage across tidal waters and wetlands.

Mathews County Zoning Ordinance Sections 22.50 and 19.11 specify the materials that must be reviewed, the process of review and the conditions that must be satisfied in order for the Board of Zoning Appeals to authorize a variance to the Chesapeake Bay Preservation Area Regulations. Rodney Rhodes, Mathews County Director of Planning and Zoning, reviewed Mr. Barnes' Application for a Variance, #2-V-02 and included his report in a memorandum dated May 1, 2002 to the Mathews County Board of Zoning Appeals. In it he provides an analysis of these conditions and the required findings that the Board of Zoning Appeals must make. The Department concurs with the findings in this memorandum with respect to Variance Application # 2-V-02, as submitted by Mr. Benjamin Barnes on April 12, 2002.

As a result of our review of the materials provided and the requirements under the County's Chesapeake Bay Preservation Act Program, we recommend that this request for a variance be approved. We appreciate the opportunity to provide comments on this variance request. Please do not hesitate to contact us at 1-800-CHESBAY, should you have any questions or concerns about this matter.

Sincerely,



Nancy L. Miller

Senior Environmental Planner

cc: Rodney Rhodes, Mathews County Director of Planning and Zoning
Shawn Smith, Principal Environmental Planner, CBLAD